IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12769 of 2005

Between:

1 Smt. Gandhi Rajulamma, W/o. Suryanarayana,
R/o. Kandivaram Village & Gram Panchayat, Chidikada Mandal, Visakhapatnam District.
2 Shaik Surynarayana, S/o. Shaik Saheb,
R/o. Kandivaram Village & Gram Panchayat, Chidikada Mandal, Visakhapatnam District.
3 Yedu Apparao, S/o. Demudu,
R/o. Kandivaram Village & Gram Panchayat, Chidikada Mandal, Visakhapatnam District.

..... PETITIONERS

AND

1 The District Collector (Panchayat Wing), Visakhapatnam District.
2 The District Panchayat Officer, Visakhapatnam District.
3 Smt. Singamapalli Akkamma, W/o. Sriram Murthy,
Kandivaram Gram Panchayat, kandivaram Post, Chidikada Mandal,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction in the nature of Mandamus declaring the inaction of the 1st respondent in not passing orders on the Appeal petition of the petitioners dated 10-4-2005 under Section 76 of A.P. Panchayat Raj Act against the orders of the 2nd respondent n Rc.No. 174/2005/A8 dated 8-4-2005 restoring the cheque powers to the 3rd respondent as being illegal, unjust and arbitrary and violative of Article 14 of the Constitution of India and the various provisions of A.P. Panchayat Raj Act and the Rules made there under and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent No.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No. 3: None appears.

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioners are seeking a Writ of Mandamus, declaring the inaction of the first respondent in not passing orders on the Appeal Petition of the petitioners dated 10.4.2005 under Section 76 of A.P. Panchayat Raj Act against the orders of the second respondent in RC.No. 174/2005/A8 dated 8.4.2005 restoring the cheque powers to the third respondent as illegal, unjust and arbitrary.

The learned counsel appearing for petitioners submits that the petitioners filed an appeal/representation dated 10.4.2005 under Section 76 of the A.P. Panchayat Raj Act against the orders of the second respondent dated 8.4.2005 restoring the cheque powers to the third respondent herein and the same is still pending.

As seen from the material papers, the District Panchayat Officer, Visakhapatnam vide R.CNo. 174/2005 A8, dated 8.4.2005, after conducting an enquiry on the explanation submitted by Sarpanch, orders were issued restoring the cheque powers to Sarpanch, Kandivaram-third respondent herein, with a warning that in future all the financial dealings of Gram Pranchayat should be spent after approval of members of the Gram Panchayat.

After going through the material papers placed on record, I am satisfied that after conducting an enquiry the District Panchayat Officer, Visakhapatnam has restored the cheque power to the Sarpanch with a warning as stated above.

Therefore, there is no urgency to entertain the Writ Petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, the appellate authority shall dispose of the appeal said to have been filed on 10.4.2005, as expeditiously as possible. No order as to costs.

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E. DHARMA RAO, J

DATED: 13/06/2005

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To

1 The District Collector (Panchayat Wing), Visakhapatnam District.
2 The District Panchayat Officer, Visakhapatnam District.
3 Smt. Singamapalli Akkamma, W/o. Sriram Murthy,
Kandivaram Gram Panchayat, kandivaram Post, Chidikada Mandal,
Visakhapatnam District.

4. Two CCs to G.P. for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad (OUT)

5. Two CD copies.